

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5TH STREET, ROOM 1-C, CITY HALL
MINNEAPOLIS, MN 55415

**FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS**

In the Matter of License No. L214 33853 JEWEL OF INDIA
for LIQ ON-SALE D W/SS SERIES 4000

Held by:

**S B FOOD SERVICES INC
SURINDERJIT SINGH
1427 WASHINGTON AVE S
MINNEAPOLIS, MN 55454**

11-0885592

This matter came before the Department at a License Settlement Conference on Tuesday, November 29, 2011 at 8:30 a.m. in Room 1-C, Minneapolis City Hall. Appearing on behalf of the licensee was Surinder Singh, licensee. Appearing for the City were: Grant Wilson, Manager of Licenses and Consumer Services Division; Dan Huff, Manager of Environmental Management and Safety; Tim Jenkins, District Supervisor, Environmental Health Division; Sadie Koller, Code Compliance Officer II, Environmental Health; and Leanne Selander, Inspector, Licenses and Consumer Services. Based on information presented at the hearing, the Department makes the following findings of fact, conclusions, and recommendations:

FINDINGS OF FACT

1. Between March 4, 2008 and November 28, 2011, Environmental Health (EH) inspectors conducted 13 inspections and re-inspections of Jewel of India, 1423 Washington Ave. S., and documented numerous health violations, many of which were continuing, repeated and/or critical.
2. Many of the types of health violations documented at the establishment are known to cause food borne illnesses. Among the critical violations found were:

- Person in charge not knowledgeable of food safety practices,
 - Food surfaces and utensils not clean and sanitized,
 - Food not held at proper temperatures,
 - Potentially hazardous cooked foods not dated,
 - Raw meat stored above sauces, pudding, and cooked foods,
 - Mouse droppings (and a dead mouse) found throughout the establishment, including on a plate, and in and on bags of food.
3. In **2008**, EH inspectors conducted one annual inspection and one re-inspection, finding 16 violations, including 7 critical, 2 of which were continuing, and issued a \$200 citation.
 4. In **2009**, EH conducted one annual inspection, finding 10 violations, including 3 critical, 2 of which were continuing from 2008, and issued a \$600 citation.
 5. In **2010**, EH conducted one annual inspection and two re-inspections, finding 21 violations, including 8 which were critical and 16 of which were continuing or repeated, and issued a \$1600 citation.
 6. In January 2011, EH convened a **Compliance Meeting** that concluded that Jewel of India failed to comply with the MN Food Code and failed to pay past due citations in violation of MCO 259.15. The licensee signed a compliance agreement agreeing to pay outstanding fines, have employees trained in food safety, have a knowledgeable person in charge at the establishment, and be subject to quarterly inspections. Prior to the meeting Self Audit materials and Spanish training information was provided.
 7. In March and May 2011, EH found 9 violations during two inspections, all of which were continuing, including 5 critical, and issued \$4600 in citations. Self Audit materials and Spanish training information was provided again with the March inspection report.
 8. In June 2011, EH conducted a re-inspection of the continuing violations noted above, and found they had been abated.
 9. On August 24, 2011, EH conducted an annual inspection and found 20 violations, 4 of which were critical, and 6 repeat, and issued a \$2200 citation. **EH closed Jewel of India** due to evidence of an infestation of mice. Two days later a follow-up inspection was conducted and the establishment was found to have been cleaned and serviced by a pest control operator.
 10. In October 2011, EH found 11 violations, which included 2 critical and 10 continuing, and issued a \$3600 citation.
 11. On November 28, 2011, a pre hearing inspection was conducted. EH found 20 violations, 15 of which were continuing or repeated, including 5 which were critical. **EH executed an emergency closure of Jewel of India** due to evidence of an infestation of mice.

CONCLUSIONS

1. The licensee failed to comply with MCO 259.250 governing business license management responsibilities, which states, "The following minimum standards and conditions shall be met in order to hold a license, provisional license or license permit under Titles 10, 11, 13 and 14 of this Code. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation or suspension of said license or license permit.
 - (2) It shall be the responsibility of the licensee to maintain and operate the business in compliance with all applicable laws and ordinances, including the zoning, fire, **environmental health**, environmental management, license, food, liquor, housing and building codes.

RECOMMENDATIONS

The Department acknowledges the licensee's interest in resolving the issues at its licensed establishment. Due to the expressed willingness of all parties to bring the property into compliance with all applicable ordinances, statutes and regulations, the Department makes the following recommendations:

1. The establishment shall remain closed to the public until the following has been documented to have occurred by the Environmental Health Division:
 - A pest control company shall be hired and all signs of mice infestation must be eliminated.
 - The establishment shall be entirely cleaned, sanitized and degreased.
 - All holes and gaps leading to the outside shall be plugged.
 - Leaky pipes and any other rodent water sources shall be repaired.
2. A State Certified Food Manager or knowledgeable person in charge will be onsite at all times of operation.
3. The establishment will be subject to quarterly inspections followed by necessary re-inspections all at a cost of \$100 per inspection, in addition to any routine inspections with necessary re-inspections.
4. The establishment must be in compliance with the Food Code every day, especially with the following areas that have been problematic with this establishment in the past:
 - 2-102.11 The person in charge must adequately demonstrate knowledge of foodborne disease prevention, time and temperature control for potentially hazardous foods, safe food handling procedures, cleaning and sanitization

procedures, plumbing cross connection control, identification of critical points for required HACCP plans, and other areas as required by rule. MN Rule 4626.0030

- 3-501.15 Cool potentially hazardous food by: 1. placing the food in loosely covered shallow pans; 2. separating the food into smaller or thinner portions; 3. using rapid cooling equipment; 4. food agitation in an ice bath; 5. using containers that facilitate heat transfer; 6. adding ice as an ingredient; or 7. other effective methods to increase the rate of cooling and reduce the opportunity for pathogen growth. MN Rule 4626.0390
- 3-501.16A Maintain all hot, potentially hazardous foods at 140 degrees F (60 degrees C) or above to prevent bacterial growth and/or toxin production except roast beef may be held at 130 degrees F (54 degrees C) if cooked in accordance with specified time and temperature. MN Rule 4626.0395
- 3-501.17A Mark date of preparation on all refrigerated, ready-to-eat potentially hazardous food prepared in the food establishment and held for more than 24 hours. This will help ensure the food is consumed by the "Use-by" date, which is 7 days from the date of preparation, including the date of preparation. MN Rule 4626.0400
- 4-601.11A Equipment food contact surfaces and utensils shall be clean to sight and touch. MN Rule 4626.0840
- 4-601.11C Clean non-food contact surfaces of equipment and maintain free of accumulations of dust, dirt, food residue, and other debris. MN Rule 4626.0840
- 6-201.11 Install and maintain in good repair, floor, floor coverings, walls, wall coverings, and ceilings to be smooth and easily cleanable. MN Rule 4626.1335
- 6-501.111ABD Provide control of insects, rodents, and other pests by routinely inspecting incoming food and supply shipments, routinely inspecting the premises for evidence of pests, and eliminating harborage conditions. MN Rule 4626.1565
- 6-501.12A Clean and maintain clean all physical facilities. MN Rule 4626.1520

Surinderjit Singh understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility. A minimum standard shall be met in order to hold such a license. One minimum standard is that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances, and regulations. It is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any stayed penalties. It is further understood that compliance with the above Recommendations is a requirement for continuing to hold a license and that failure to comply with any of these conditions may result in additional adverse license action.

I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

Business

JEWEL OF INDIA

By:

Surinderjit Singh
(signature)

Its:

President
(title)

Dated: 3/9/, 2012

For the City of Minneapolis:

Grant J. Wilson

Grant J. Wilson
Manager

Dated: 3-19, 2012